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July 22, 2005

James E. Wilson, Jr.
732 Carter Hill Road
Post Office Box 6237
Montgomery, AL 36106

RE: Robina Jenkins

Dear Mr. Wilson:

I am writing in response to your "petition for judicial review" filed on behalf of Robina Jenkins. As the layoff occurred in October of 2003, the time period for a review by the State Personnel Board has expired.

The information submitted in your petition regarding the possible hiring of individuals into Ms. Jenkins' classification, however, is concerning as such would violate State Personnel Board rules and regulations. Based upon Ms. Jenkins' petition, we checked our records to determine if anyone had been hired through an open-competitive register as a Departmental Program Manager. Our records indicate no such appointment since March of 2003. Likewise, we checked provisional appointments and determined that the Secretary of State's office does not have *any* provisional employees. If you can provide the names of individuals whom Ms. Jenkins believes were appointed to a DPM position or who is serving in a provisional status, we will be happy to investigate further.

The State Personnel Board does not have the authority to force the Secretary of State's Office to hire any employee, regardless of the budget situation. I regret that this department cannot be of further help. However, if you have specific information relating to the appointment of a DPM, please advise. If I can be of further assistance, please do not hesitate to contact me. I can be reached at (334) 242-3451.

Sincerely,

Alice Ann Byrne

Alice Ann Byrne
General Counsel

AAB: hg

Exhibit 8

Jenkins, USDC 05 cv 1049
SPD Mtn for Summary Judgment